

**CASE**

**NUMBER:**

99-167

Construct

CELL SITE - 2946 BATTLE TRAINING ROAD - HARDIN

IN THE MATTER OF THE APPLICATION OF ACC OF KENTUCKY LLC, A  
DELAWARE LIMITED LIABILITY COMPANY FOR ISSUANCE OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT  
AN ADDITIONAL CELL FACILITY IN THE KENTUCKY RURAL SERVICE  
AREA NO. 4 WHICH INCLUDES SPENCER, ANDERSON, HARDIN, NELSON,  
WASHINGTON, MERCER, MARION, LARUE, GREEN AND TAYLOR COUNTIES  
IN KENTUCKY  
(THE COLESBURG CELL FACILITY)

| SEQ<br>NBR | ENTRY<br>DATE | REMARKS   |
|------------|---------------|---|
| 0001       | 04/23/99      | Application.  |
| 0002       | 04/27/99      | Acknowledgement letter.   |
| M0001      | 04/29/99      | BRENT RICE ACC KY LLC-RETURN RECEIPTS FOR CERTIFIED MAIL                      |
| 0003       | 05/06/99      | Deficiency letter, response due 5/21/99.                                      |
| M0002      | 05/14/99      | BRENT RICE ACC OF KY-RESPONSE TO MAY 6,99 FILING DEFICIENCIES                 |
| M0003      | 06/02/99      | CHRIS HUNSINGER HARDIN CO PLANNING-INFORMATION PERTAINING TO CELL FACILITY    |
| 0004       | 06/04/99      | Deficiency cured letter.  |
| 0005       | 07/15/99      | Final Order granting a Certificate to construct & operate the Colesburg site. |



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

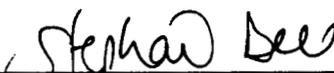
RE: Case No. 99-167 UAC  
ACC OF KENTUCKY, LLC

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on July 15, 1999.

Parties of Record:

Lisa Jenrette  
General Manager  
ACC of Kentucky LLC  
303 Highland Park Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

  
\_\_\_\_\_  
Secretary of the Commission

SB/hv  
Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ACC OF KENTUCKY LLC, A DELAWARE )  
LIMITED LIABILITY COMPANY FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY )  
TO CONSTRUCT AN ADDITIONAL CELL FACILITY IN THE )  
KENTUCKY RURAL SERVICE AREA NO. 4 WHICH INCLUDES ) CASE NO.  
SPENCER, ANDERSON, HARDIN, NELSON, WASHINGTON, ) 99-167-UAC  
MERCER, MARION, LARUE, GREEN, AND TAYLOR COUNTIES )  
IN KENTUCKY (THE COLESBURG CELL FACILITY) )

O R D E R

On April 23, 1999, ACC of Kentucky LLC ("ACC of Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties.

ACC of Kentucky has requested authorization to construct a cell site in Hardin County. The proposed cell site consists of a tower to be located at 2946 Battle Training Road in Elizabethtown, Hardin County, Kentucky ("the Colesburg cell site"). The coordinates for the Colesburg cell site are North Latitude 37° 46' 43.2" by West Longitude 85° 51' 42.2".

ACC of Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Colesburg cell site. Based upon the

application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987, ACC of Kentucky submitted the uniform application to the Hardin County Planning and Zoning Commission ("Planning Commission"). The Planning Commission approved the uniform application on June 1, 1999. ACC of Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Colesburg cell site. Both applications are pending.

ACC of Kentucky has filed notices verifying that each person who owns property within 500 feet of the Colesburg cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, notices were published in a newspaper of general circulation in Hardin County and were posted in a visible location on the proposed site and on the nearest public road. The notices remained posted for at least two weeks after ACC of Kentucky's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, ACC of Kentucky should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this

Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by ACC of Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that ACC of Kentucky should be granted a Certificate of Public Convenience and Necessity to construct and operate the Colesburg cell site in RSA No. 4 under its previously approved tariff.

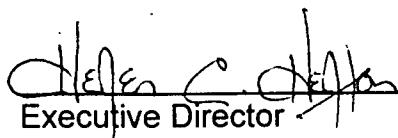
IT IS THEREFORE ORDERED that:

1. ACC of Kentucky is granted a Certificate of Public Convenience and Necessity to construct and operate the Colesburg cell site.
2. ACC of Kentucky shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.
3. ACC of Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 15th day of July, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

June 4, 1999

Lisa Jenrette  
General Manager  
ACC of Kentucky LLC  
303 Highland Park Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-167 UAC  
ACC OF KENTUCKY, LLC

The Commission staff has reviewed your response of May 14, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie J. Bell".

Stephanie Bell  
Secretary of the Commission

SB/sh  
Enclosure

**FOR THE PUBLIC RECORD**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**

APR 23 1999

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF ACC OF KENTUCKY LLC, A )  
DELAWARE LIMITED LIABILITY COMPANY FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
AN ADDITIONAL CELL FACILITY IN THE )  
KENTUCKY RURAL SERVICE AREA NO. 4 WHICH )  
INCLUDES SPENCER, ANDERSON, HARDIN, )  
NELSON, WASHINGTON, MERCER, MARION, )  
LARUE, GREEN AND TAYLOR COUNTIES )  
IN KENTUCKY )  
(THE COLESBURG CELL FACILITY) )

**FILED**

MAY 14 1999

PUBLIC SERVICE  
COMMISSION

CASE NO. 99-167 UAC

**UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY**

\* The specific location of the proposed construction is 2946 Battle Training Road, (KY 434), Elizabethtown, Hardin County, Kentucky.

\*\* This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).



**Hardin County**  
Planning and Development Commission

1 June 1999

Executive Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, KY 40602

RECEIVED  
JUN 02 1999  
PUBLIC SERVICE  
COMMISSION

RE: Public Notice - Public Service Commission of Kentucky  
Case Nos. 99-167 UAC (Colesburg Cell Facility)

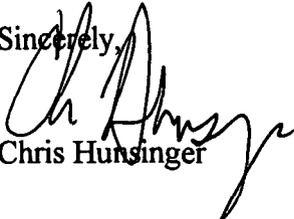
In accordance with Kentucky Revised Statutes (Chapter 100.324) public utility facilities "shall be referred to the Commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan".

The Hardin County Planning Commission reviewed the above referenced case at their regularly scheduled meeting on Tuesday, 25 May 1999. At that time, the case was found to be in significant compliance with the County's Comprehensive Plan.

Please remember that any construction on these sites are subject to the Kentucky Building Code. Building and electric permits must be secured from this office before construction is to start.

If you have any questions, please contact Chris Hunsinger or Fred Rollenhagen at the Hardin County Planning Commission.

Sincerely,

  
Chris Hunsinger

cc: McBrayor, McGinnis, Leslie & Kirkland PLLC



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
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(502) 564-3940  
Fax (502) 564-3460

**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

May 6, 1999

Lisa Jenrette  
General Manager  
ACC of KY LLC  
303 Highland Park Drive  
Richmond, KY 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY 40507-1361

Re: Case No. 99-167 UAC  
Filing Deficiencies

Dear Ms. Jenrette and Mr. Rice:

The Commission staff has reviewed your application in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case or will be filed at a later date.

Filing deficiency pursuant to KAR 5:063, Section 4(1):

A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the search area in which a site should, pursuant to radio frequency requirements, be located.



The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file five copies of this information within 15 days of this letter. If you need further information, please contact Jeff Johnson of my staff at 502-564-3940 extension 417.

Sincerely,  
*Stephanie Bell*

Stephanie Bell  
Secretary of the Commission

sh





COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

April 27, 1999

Steve Lochmueller  
Vice President  
Central Kentucky Cellular  
221 South Porter Drive  
Richmond, KY. 40475

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis, Leslie  
& Kirkland PLLC  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

RE: Case No. 99-167 UAC  
CENTRAL KENTUCKY CELLULAR  
(Construct) CELL SITE - 2946 BATTLE TRAINING ROAD - HARDIN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received April 23, 1999 and has been assigned Case No. 99-167. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc

**FOR THE PUBLIC RECORD**  
**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**  
**APR 23 1999**  
**PUBLIC SERVICE**  
**COMMISSION**

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CASE NO. 99-167 UAC

**FILED**  
**MAY 14 1999**  
**PUBLIC SERVICE**  
**COMMISSION**

**UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY**

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